



9D-HR-25022
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John K. Hooker :
Serial No.: 10/749,032 : Art Unit: 3744
Filed: December 30, 2003 : Examiner: Tapolcai, William E.
For: METHOD AND APPARATUS FOR :
DISPENSING ICE AND WATER :

**Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL

1. Transmitted herewith are:

**Amendment in Response to Restriction Requirement dated January 28, 2005
(2 pgs.)
Return Postcard**

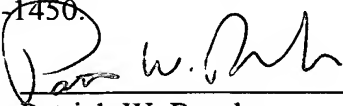
STATUS

2. Applicant
 X Claims small entity status.
 is other than a small entity.

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS**

**Express Mail No.: EV 459192451 US
Date: February 16, 2005**

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Patrick W. Rasche
Registration No. 37,916

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ First month	\$ 120.00	\$ 60.00
_____ Second month	\$ 450.00	\$ 225.00
_____ Third month	\$ 1,020.00	\$ 510.00
_____ Fourth month	\$1,590.00	\$ 795.00
_____ Fifth month	\$2,160.00	\$1,080.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	ADDITIONAL RATE FEE		ADDITIONAL RATE FEE
TOTAL INDEP.	MINUS				x \$25 = \$		x \$50 = \$
	MINUS				x \$100 = \$		x \$200 = \$
	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$180 = \$		+ \$360 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) X No additional fee for claims is required.

OR

- (b) Total additional fee for claims required \$

FEE PAYMENT

5. Attached is a check in the sum of \$
 Charge Deposit Account No. 01-2384 the sum of \$
 A duplicate of this transmittal is attached.

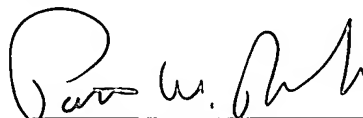
FEE DEFICIENCY

6. X If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- X If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7. Other:



Patrick W. Rasche
 Registration No. 37,916
 ARMSTRONG TEASDALE LLP
 One Metropolitan Square, Suite 2600
 St. Louis, MO 63102-2740
 (314) 621-5070

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For: METHOD AND APPARATUS FOR
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: Art Unit: 3744
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: Examiner: Tapolcai, William E.
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:
:
:

AMENDMENT IN RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action mailed January 28, 2005 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-20 are pending in this application. Claims 1-20 are subject to a restriction requirement.

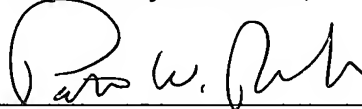
The Office has asserted that there are two groups of claims in this application. The first Group, Group I, contains Claims 1-19, drawn to an optical sensor for a dispenser. The second Group, Group II, contains Claim 20, drawn to a refrigerator having an ice maker, water dispenser, and an optical sensor.

In response to the Restriction Requirement set forth in the Office Action, Applicant, with traverse, elects for prosecution in this application all claims belonging to Group I, i.e., Claims 1-19.

Reconsideration of the Restriction Requirement imposed under 35 U.S.C. § 121 is respectfully requested. Additionally, requirements for election are not mandatory under 35 U.S.C. 121. The requirement for election is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicant submits that a thorough search and examination of any claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. For at least the reasons set forth above, Applicant respectfully requests that the Restriction Requirement be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action with respect to all the pending claims is respectfully solicited.

Respectfully submitted,



Patrick W. Rasche
Registration No.: 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070